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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,622	03/15/2004	Bruce E. Meyer	01ENG96647	2136

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EXAMINER

CRANE, DANIEL C

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/805,622

Applicant(s)

MEYER, BRUCE E.

Examiner

Daniel C. Crane

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10 and 12 is/are rejected.
- 7) ☒ Claim(s) 2,9 and 11 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/15/2004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

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BASIS FOR REJECTIONS

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

REJECTION OF CLAIMS OVER PRIOR ART

Claims 1, 3-8, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coben (5,425,259) in view of either one of Youngs (4,716,754) or Knudson (3,529,461). Coben illustrates the claimed roll forming machine as having a rigid framework 20 with parallel side frames 28, 20 interconnected by upper and lower transverse members 34 and 32, respectively. Mounting blocks 142 are situated on the lower transverse members and each mounting block is provided with an upper surface having a plurality of spaced mounting holes 162. A mounting rail and tooling rail 140 in the form of an L-shape cross-section is provided to attach the roll forming elements 174, 184 to the mounting block. This mounting arrangement is shown in Figure 9. As clearly shown, the horizontal leg of the L-shaped mounting rail and tool rail 140 defines the mounting rail with the mounting rail being attached to the mounting blocks by threaded fasteners 164. The vertical leg of the L-shaped mounting rail and tool rail 140 defines the tooling rail with the tooling rail situated to receive the roll forming elements 174, 184 by threaded fastener 172. The vertical tooling rail is secured to the horizontal mounting rail. The tooling rail can be vertically moved after being disconnected from the mounting blocks. As to claims 4 and 7, see Figures 3 and 5 where traveler bar blocks 250 are threadably mounted to threaded shafts 252, each of the bar blocks having a mounting rail 240 (one leg of the L-shaped

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rail) secured thereto and a tooling rail 240 (other leg of the L-shaped rail) secured to the mounting rail. The tooling rail can be moved vertically once disconnected from the mounting block. Coben does not show that the tooling rail can be moved vertically between the adjacent upper transverse members into and out of the cage. However, this provision is known in the sense that it is known to dimension the mounting assembly for rolls to be capable of being vertically moved into and out of the cage of the roll forming machine. Youngs shows the "cage" in Figure 1 where the upper area of the cage facilitates easy access to the rolls from above, which would facilitate insertion or removal of the mounting rails 62 (Figure 3) from above. Similarly, Knudson shows that the mounting rail 25 for the rolls can be vertically inserted or removed from above and between adjacent upper transverse members (see Figure 2) thereby facilitate ease of removal and insertion for repair or replacement. Accordingly, it would have been obvious to the skilled artisan at the time of the invention to have modified Coben's device by designing the tooling rails with a dimension to facilitate removal and insertion using the concepts taught by Youngs or Knudson so as to allow for tool repair or replacement. As to claims 5 and 8, the crank 284 rotates the threaded rods 252.

INDICATION OF ALLOWABLE SUBJECT MATTER

Claims 2, 9 and 11 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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PRIOR ART CITED BY EXAMINER

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

RESPONSE BY APPLICANT(S)

Applicant(s) response to be fully responsive and to provide for a clear record must specifically point out how the language of the claims patentably distinguishes them from the references, both those references applied in the objections and rejections and those references cited in view of the state of the art in accordance with 37 CFR 1.111 (a), (b) and (c).

INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is (571) 272-4516. The examiner's office hours are 6:30AM-5:00PM, Tuesday through Friday. The examiner's supervisor, Mr. Derris Banks, can be reached at (571) 272-4419.

Documents related to the instant application may be submitted by facsimile transmission at all times to Fax number (571) 272-8300. Applicant(s) is(are) reminded to clearly mark any transmission as "DRAFT" if it is not to be considered as an official response. The Examiner's Fax number is (571) 273-4416.

DCCrane
July 14, 2005



Daniel C. Crane
Primary Patent Examiner
Group Art Unit 3725